



STATE OF NEW JERSEY

Board of Public Utilities

*Two Gateway Center
Newark, NJ 07102*

IN THE MATTER OF THE)	<u>ENERGY</u>
PROMULGATION OF STANDARDS)	
BY THE BOARD PURSUANT TO)	ORDER RELEASING DRAFT
THE PROVISIONS OF THE ELECTRIC)	INTERIM STANDARDS FOR
DISCOUNT AND ENERGY)	PUBLIC COMMENT
COMPETITION ACT OF 1999,)	
P.L. 1999, c.23)	Docket No. EX99030182

(SERVICE LIST ATTACHED)

BY THE BOARD:

On February 9, 1999 Governor Christine Todd Whitman signed into law the "Electric Discount and Energy Competition Act," P.L. 1999, c.23 ("the Act"). The Act contains numerous provisions which require the Board to promulgate and adopt, after notice and an opportunity for public comment, a variety of standards related to the implementation of the Act. The Act further requires that many of these standards be adopted on an expedited basis in advance of the August 1, 1999 start date for electric retail choice. Indeed, the Act requires that certain of said standards be adopted within 90 days of the effective date of the Act. Other standards, while not given legislatively-mandated adoption dates, must from a logistical standpoint be adopted within 90 to 120 days of the effective date of the Act, in order to provide sufficient lead time prior to the implementation of retail electric choice on August 1, 1999.

In preparation for the release of various draft standards for public comment, the Board has already caused to be published in the March 15, 1999 New Jersey Register a generic public notice of its intent to issue over the next several months various draft standards, including but not limited to fair competition standards, affiliate relations standards, accounting standards, competitive service standards, supplier licensing standards, consumer protection standards, anti-slamming standards, environmental disclosure standards, government aggregation standards, private aggregator and energy agent registration standards, renewable portfolio standards and net metering standards.

Consistent with the foregoing, this Order memorializes an action taken by the Board at its March 31, 1999 public agenda meeting to release a number of the referenced draft interim standards for public comment. The draft interim standards which the Board voted on March 31, 1999 to release, as well as the relevant interim section of the Act, are as follows:

Reference: Section 7, subsection d. and Section 8, subsection f.:

Electric Fair Competition Standards
Electric Affiliate Relations and Asset Transfer Standards
Electric Accounting and Reporting Standards

Reference Section 10, subsection k.:

Gas Fair Competition Standards
Gas Affiliate Relations Standards
Gas Accounting and Reporting Standards

Reference Section 29, subsection c.,g., e. and Section 30, subsection c., f., g.:

Electric Power Supplier Licensing Standards
Gas Supplier Licensure Standards
Electric Power Supplier Safety and Service Quality Standards
Gas Supplier Safety and Service Quality Standards
Electric Power Supplier Licensure Fees
Gas Supplier Licensure Fees

Reference: Section 36, subsection a.:

Consumer Protection Standards for Electric Power and Gas Suppliers, including

- 1) contract standards
- 2) anti-discrimination standards
- 3) advertising standards
- 4) credit standards
- 5) billing standards

Reference: Section 37, subsections a. and b.:

Anti-Slamming Standards

Reference: Section 38, subsections a. and b.:

Environmental Disclosure Standards

Reference: Section 42, subsection i., Sections 43, 44 and 45:

Government Aggregation Standards

Reference: Section 41, subsection a.:

Private Aggregator Registration Standards

Reference: Section 29, subsection i.:

Energy Agent Registration Standards

Reference Section 29, subsection e. and Section 30, subsection e.:

Electric and Gas Alternative Dispute Resolution (ADR) Standards

In releasing the referenced draft standards, we emphasize the expedited schedule which the Act requires for promulgation. Accordingly, we acknowledge that the Board and its staff have not in many respects had the opportunity to undertake an extensive collaborative dialogue through working groups which is the approach we more typically take leading up to the release of draft standards. Nonetheless, we note that the draft standards prepared by Board staff and being released today are intended to meet the specific requirements and intent of the Act, and provide concrete proposals to elicit meaningful and specific comments. The draft standards do not necessarily represent the final views of the Board on these matters, and we will carefully consider all comments and ultimately undertake to make any modifications we deem appropriate, prior to final adoption of standards.

The Board is establishing the following hearings at which time it will accept comments from the public. The hearing schedule is as follows:

Thursday, April 15:

Environmental Disclosure Standards

Friday, April 16:

Consumer Protection, Anti-Slamming Standards

Monday, April 19:

Licensing, Licensing Fees, Safety and Service Quality, Registration, Alternative Dispute Standards

Tuesday, April 20

Government Aggregation

Thursday, April 29:

Affiliate Relations, Fair Competition, Accounting

All hearings will be held at the Board's hearing room on the 8th Floor at Two Gateway Center, Newark, New Jersey. Except for the April 15 public hearing, which will commence at 1:30 p.m. and conclude by 4:30 p.m. all hearings will commence at 9:30 a.m. and conclude by 4:30 p.m. Oral comments will be limited to 5-10 minutes for each presenter, depending upon the total number of people present who wish to speak. Written comments from interested parties or members of the public, with respect to the standards being addressed at the April 15, 16, 19 and 20 public hearings, will be accepted by the Board's Secretary, along with (10) copies, through April 22, 1999, at the following address:

Mark W. Musser, Secretary
New Jersey Board of Public Utilities
Two Gateway Center, 8th Floor
Newark, New Jersey 07102

Written comments concerning affiliate relations, fair competition and accounting standards will be accepted through Tuesday, May 4, 1999. With respect to the format of the April 29 public hearing, we will reserve the first two hours of hearing for the appearance of an eight member panel, consisting of two representatives from each of the following four interest groups:

Utilities
Third Party Suppliers
Contractors
Ratepayer Advocate and one Consumer Representative

We request that members of these interest groups confer and submit to the Board Secretary no later than Monday, April 26, the following:

- 1) the names of the designated representatives
- 2) copies of the representatives' comments/statements

The Board will take 15 minutes of oral comments from each of the four pairs of representatives, followed by up to 60 minutes of questions from the bench. After this, we will accept oral comments limited to 5-10 minutes, depending on the total number of people present who wish to speak, from other members of the industry and the public.

The Board HEREBY RELEASES for public review and comment the draft interim standards set forth herein above. Copies of any of the draft interim standards can be obtained from the Board Secretary's Office by contacting Renee Good at (973) 648-2065, or from the

Board's website at <http://www.njin.net/njbpu>.

DATED: 3/31/99

BOARD OF PUBLIC UTILITIES

BY:

SIGNED

HERBERT H. TATE

PRESIDENT

SIGNED

CARMEN J. ARMENTI

COMMISSIONER

SIGNED

FREDERICK F. BUTLER

COMMISSIONER

ATTEST: SIGNED

MARK W. MUSSER

SECRETARY